

**In the United States District Court  
For the Southern District of Texas  
Galveston Division**

**Jay Rivera**

**Plaintiff,**

**v.**

**Kirby Offshore Marine, LLC**

*In personam*

**M.V. Tarpon**

*In Rem*

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**C.A. No. 3:17-00111**

**9(H) Admiralty**

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**PLAINTIFF’S TRIAL BRIEF ON PILOT RETIREMENT AGE**

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Comes now, Plaintiff Jay Rivera, and files this trial brief, as requested by the Court, on statutory retirement ages for pilots in Texas. Plaintiff would show that every mandatory retirement age for pilots in Texas is 68. There are no port complexes which have a mandatory retirement age less than 68. Only two port complexes, Galveston County and the Port of Corpus Christi contain no mandatory retirement age, allowing pilots to work past 68.

**Houston Pilots Mandatory Retirement Age is 68**

Texas Transportation Code Chapter 66 governs pilotage for the Port of Houston and contains a statutory mandatory retirement age of 68. Section 66.040 states that “...no pilot may furnish pilot services under authority of a license after the pilot’s 68<sup>th</sup> birthday.” TEX. TRANSP. CODE § 66.040. Furthermore, to be eligible

for a license as branch pilot, a person must, “be at least 25 years of age and less than 68 years of age.” *Id.* at §66.033.

### **Galveston County Pilots have no Mandatory Retirement Age**

Chapter 67 of the Texas Transportation Code contains the Galveston County Pilots Licensing and Regulatory Act. TEX. TRANSP. CODE § 67.001, et seq. The Galveston County Pilots Act contains no mandatory retirement age.

### **Brazos Pilots (Freeport) Mandatory Retirement is 68**

Chapter 68 of the Texas Transportation Code contains the Brazoria County Pilots and Licensing Act. TEX. TRANSP. CODE § 68.001 *et seq.* The Brazoria County Pilots Licensing and Regulatory Act contains a mandatory retirement age of 68. TEX. TRANSP. CODE § 68.033(a).

### **Orange and Jefferson County (Sabine Pilots) Mandatory Retirement Age is 68**

Chapter 69 of the Texas Transportation Code contains the Orange and Jefferson County Pilots Licensing and Regulatory Act. TEX. TRANSP. CODE § 69.001 *et seq.* To be eligible for a license as a branch pilot in Orange and Jefferson County (Sabine), the branch pilot must be younger than 68 years. TEX. TRANSP. CODE § 69.033(1).

### **Aransas-Corpus Christi Pilots Have No Mandatory Retirement Age**

Chapter 70 of the Texas Transportation Code contains the Port of Corpus Christi Licensing and Regulatory Act. TEX. TRANSP. CODE § 70.001, et seq. The

Port of Corpus Christi Licensing and Regulatory Act contains no mandatory retirement age.

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/s/ **Paxton N. Crew**

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ATTORNEYS FOR PLAINTIFF

### **CERTIFICATE OF SERVICE**

I hereby certify a true and correct copy of the foregoing document has been forwarded to all counsel of record by CM/ECF in accordance with the Federal Rules of Civil Procedure on this 19th day of December, 2018.

/s/ **Paxton N. Crew**

Paxton N. Crew

